

CHAPTER Env-WC 100 ORGANIZATIONAL RULES

Statutory Authority: RSA 21-O:14, IV; RSA 541-A:16, I

PART Env-WC 101 PURPOSE

Env-WC 101.01 Purpose. The purpose of this chapter is to provide organizational rules to implement the statutory responsibilities for all matters under the jurisdiction of the water council created by RSA 21-O:7.

PART Env-WC 102 DEFINITIONS

Env-WC 102.01 “Appeals clerk” means the individual designated by the commissioner of the department pursuant to RSA 21-O:3, VIII as support staff for appeals to the council.

Env-WC 102.02 “Appellant” means the person who initiates an appeal by filing a notice of appeal in accordance with Env-WC 204.01 and Env-WC 204.02.

Env-WC 102.03 “Council” means the water council established by RSA 21-O:7.

Env-WC 102.04 “Council clerk” means the individual designated by the commissioner of the department pursuant to RSA 21-O:3, VIII as clerical support staff to the council.

Env-WC 102.05 “Department” means the department of environmental services.

Env-WC 102.06 “Director” means the director of the water division of the department of environmental services.

Env-WC 102.07 “Division” means the water division of the department of environmental services.

Env-WC 102.08 “General proceedings” means council business other than appeals.

Env-WC 102.09 “Intervenor” means a person allowed by the council to intervene in an appeal proceeding pursuant to RSA 541-A:32.

Env-WC 102.10 “Meeting” means a gathering of a quorum of council members, at which general proceedings or appeals or both may be conducted.

Env-WC 102.11 “Participant” means:

- (a) For an appeal, a respondent, intervenor, or representative of the department for that appeal; or
- (b) For all general proceedings, any person who attends the meeting or submits written comments for consideration by the council, or both.

Env-WC 102.12 “Person” means:

- (a) For the purpose of general proceedings, any individual, partnership, joint venture, association, corporation, trust, agency, private or municipal corporation, any political subdivision of the state or of the United States, or any other private entity, governmental entity, including the division, or quasi-governmental entity; or
- (b) For the purpose of an appeal of a decision under a specific statute, “person” as defined by that statute.

Env-WC 102.13 “Sitting member” means an individual who has been appointed to the council and to whom the oath of office has been administered, or that person’s designee, and includes any member of the council whose term has expired until such time as a replacement is appointed, but does not include any member who has resigned from the council, regardless of whether a replacement has been appointed.

PART Env-WC 103 COUNCIL ORGANIZATION

Env-WC 103.01 Office Hours and Location.

- (a) The council’s office shall be located at the Department of Environmental Services, 29 Hazen Drive, P.O. Box 95, Concord, N.H. 03302-0095.
- (b) The council’s office shall be open to the public on weekdays, excluding state holidays, from 8:00 A.M. to 4:00 P.M.

Env-WC 103.02 Responsibilities of the Water Council. The responsibilities of the council shall be as follows:

- (a) As required by RSA 21-O:7, III, the council shall consult with and advise the director of the division with respect to the policy, programs, goals, and operations of the division other than those relating to wetlands under RSA 482-A, with particular emphasis on long-range planning for the division and on education of the public relative to the functions of the division;
- (b) As required by RSA 21-O:7, IV, the council shall hear and decide all appeals from department decisions relative to the functions and responsibilities of the division, other than:
 - (1) Department decisions made under RSA 482-A relative to wetlands, in accordance with RSA 21-O:14; and
 - (2) Those matters not allowed by law to be appealed to the council, as specified in Env-WC 201.02;
- (c) As required by RSA 21-O:7, V, the council shall review rules proposed to be implemented by the division other than rules implementing RSA 482-A relative to wetlands; and
- (d) As authorized by RSA 21-O:2, III(a), the council shall consult with the commissioner relative to nominating a director of the division for appointment by the governor and executive council.

Env-WC 103.03 Responsibilities of Council Clerk. The council clerk shall:

- (a) Perform the record-keeping, correspondence, and other statutory functions of the council on a day-to-day basis;
- (b) Receive correspondence and other communications and documents in the name of the council that do not relate to appeals;
- (c) Be custodian of the council's records other than those relating to appeals; and
- (d) Respond to requests for access to records under Env-WC 104.02(a).

Env-WC 103.04 Responsibilities of Appeals Clerk. The appeals clerk shall:

- (a) Receive correspondence, filings, and other communications and documents in the name of the council that relate to appeals;
- (b) Be custodian of the council's records relating to appeals;
- (c) Prepare and maintain a calendar of all appeals pending before the council; and
- (d) Respond to requests for access to records under Env-WtC 104.02(b).

Env-WC 103.05 Quorum.

- (a) A quorum of the council shall be a simple majority of the total number of sitting members, provided, however, that in the context of an appeal, a quorum shall be a simple majority of those sitting members who are not recused from the appeal.
- (b) The council shall take formal or official action only when a quorum is present.

PART Env-WC 104 PUBLIC INFORMATION

Env-WC 104.01 Record of Council Actions.

- (a) Minutes shall be kept of council meetings and official actions taken by the council.
- (b) Minutes of council actions that are not confidential under RSA 91-A:3, II or RSA 91-A:5 shall be public records and shall be available for inspection during the council's ordinary office hours as required by RSA 91-A.

Env-WC 104.02 Requests for Access to Records.

- (a) Any person requesting access to examine those records that do not relate to appeals and are subject to public inspection or may otherwise be properly examined shall direct a request as specified in (c), below, to the council clerk.

(b) Any person requesting access to examine those records that relate to appeals and are subject to public inspection or may otherwise be properly examined shall direct a request as specified in (c), below, to the appeals clerk.

(c) Any person desiring a copy of a council record shall make a request in which the requestor:

(1) Identifies as particularly as possible the information being sought; and

(2) Agrees to pay a copying fee of \$0.10 per page.

(d) If records are requested that contain both public information and information that is exempt from disclosure under RSA 91-A:5, the council shall provide only the information that is not exempt from disclosure.

APPENDIX

Rule	Statute(s) Implemented
Env-WC 101	RSA 21-O:7, VII; RSA 21-O:14, IV; RSA 541-A:16, I(a)
Env-WC 102	RSA 21-O:7, VII; RSA 21-O:14, IV; RSA 541-A:16, I(a)
Env-WC 103	RSA 21-O:7, VII; RSA 21-O:14, IV; RSA 541-A:16, I(a)
Env-WC 104	RSA 21-O:7, VII; RSA 21-O:14, IV; RSA 541-A:16, I(a)